

VZCZCXRO5957  
PP RUEHAG RUEHDA RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA RUEHLN RUEHLZ  
RUEHROV RUEHSR RUEHVK RUEHYG  
DE RUEHVJ #0738/01 0971428  
ZNR UUUUU ZZH  
P 071428Z APR 06  
FM AMEMBASSY SARAJEVO  
TO RUEHC/SECSTATE WASHDC PRIORITY 3187  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE

UNCLAS SECTION 01 OF 03 SARAJEVO 000738

SIPDIS

SENSITIVE  
SIPDIS

DEPT FOR D (SMITH), P (BAME), EUR (DICARLO), EUR/SCE  
(ENGLISH, FOOKS, MITCHELL, SAINZ), DRL/PHD (CLAYTON), L,  
NSC FOR BRAUN, OSD FOR FLORY

E.O. 12958: N/A  
TAGS: [PHUM](#) [PREL](#) [PGOV](#) [SOCI](#) [BK](#)  
SUBJECT: BOSNIA: TRUTH COMMISSION PROPOSALS CONTROVERSIAL

REF: BRUSSELS 1165

11. (U) This is an action request. Please see para 12.

12. (SBU) Summary: A number of local and international organizations have put forward concepts for the formation of a "truth and reconciliation commission" for Bosnia and Herzegovina (BiH). However, some of the key players suffer from competing visions about how to move forward and are unclear who will tackle the task of actually raising funding for and implementing a truth commission. Recent efforts by the Washington-based non-governmental organization (NGO) United States Institute for Peace (USIP) to draft legislation establishing a truth commission to explore the events of the 1992-1995 war have ruffled feathers among international organizations and local NGOs in BiH. In addition, some question the investment in a parallel process when funding for judicial war crimes trials is uncertain (see reftel). Donor support for a truth and reconciliation process, likely to be a multi-million dollar project, will almost certainly compete with the USG priority of ensuring adequate international assistance for the BiH War Crimes Chamber and State Court. End summary.

13. (SBU) The idea of a truth and reconciliation commission for Bosnia is not new; a number of local organizations and individuals have supported the idea in the past. One local NGO headed by Jakob Finci, the leader of BiH's Jewish community, actually drafted a law to establish one, but never presented the law to Parliament. Since the United States Institute for Peace (USIP) initiative was launched in October 2005, a number of local and international players have reacted both positively and negatively to its framework for a potential commission. Adding to the controversy, the Sarajevo office of the UN Development Programme (UNDP) is presenting a parallel initiative on the same subject, trying to position itself as coordinator of the entire process. This has caused friction with other international organizations (IOs) who have accused UNDP of trying to expand their current portfolio in BiH at a time when other IOs are downsizing.

THE USIP PROCESS

14. (SBU) USIP has formed a working group consisting of representatives of eight major political parties to draft a state law establishing a truth commission and laying out the parameters of its mandate. (Note: USIP appears to have dropped the reconciliation portion of the overall concept, at least for the time being. End note.) Since October, the working group has met six times; the last meeting was held in March. The first few meetings did not include any representatives from civil society; after strong and vociferous objections from both local organizations and IOs

(who argued that civil society must be involved in drafting the legislation), USIP invited a select group of local NGOs to the January, February and March meetings. The deadline has passed for the Parliament to consider new legislation before the October 2006 elections, so USIP has now extended its timeline and hopes to submit a draft law to Parliament after the elections (realistically, in early 2007).

#### WHAT WILL THE COMMISSION DO?

15. (SBU) According to USIP representative Neil Kritz, the truth commission would work for two to two and a half years 1) to define the causes and consequences of the atrocities committed between 1990 and 1996; 2) determine the role played by specific sectors of society (i.e. the media, religious communities) in the conflict, and 3) establish a detailed accounting of what happened during the war. (Note: Including the administrative phases of the commission, the total lifetime of the commission would be four to five years. End note.) USIP sees this detailed accounting as becoming the definitive history of the war, and a basis for the education of future generations. The commission would not name names, make any determinations of criminal responsibility or grant amnesty.

16. (SBU) The commission would not only focus on the negative. USIP argues that it should also focus on telling the positive stories from the war (i.e. people who risked their lives to help their neighbors) and on developing a blueprint for future policy designed to prevent any future reoccurrence of ethnic conflict in BiH. The seven commissioners (likely to be all Bosnian citizens) would be chosen by a selection panel of 12-15 members representing the state-level Parliament, the international community and civil society.

SARAJEVO 00000738 002 OF 003

#### NEXT STEPS UNCLEAR

17. (SBU) Poloff recently met with Gordon Bacon, UNDP's observer in the USIP-led working group, to discuss possible next steps as Bosnia heads into the campaign period before the October 2006 national elections. According to Bacon, the political party representatives working on the draft legislation repeatedly promised their civil society contacts that as soon as a draft was complete, they would share it with NGOs for commentary and feedback. The key issue now causing some differences of opinion is how this process of public feedback and commentary should be run. UNDP favors a Bosnia-wide, two-year outreach campaign which would use local NGOs as implementers. USIP (and its local partner, the "Dayton Project" NGO) are planning a series of roundtables with the participation of working group members in 15 municipalities throughout BiH. It is not clear how the UNDP campaign (if it gets funding) and the USIP/Dayton Project roundtables would interface. Meanwhile, the draft legislation was leaked to a reporter who published a well-balanced article on the truth commission on March 31. The leak puts additional pressure on USIP to share the draft legislation with local NGOs, and soon.

#### WILL THE TRUTH HURT?

18. (SBU) No cost estimates are available for the truth commission envisioned by USIP, but it is likely to be a multi-million dollar project. The Bosnian government could not (and does not want to) fund the commission, fearing that anyone who did not like its conclusions could reject them on the grounds that the commission was manipulated by the government. Indeed, the risk of political interference in the truth commission is significant regardless of the source of its funding. Although the truth commission is envisioned as a parallel and not competing process with ongoing war crimes trials, it appears that the State Court's War Crimes Chamber and the truth commission would likely be competing for funding from the same shrinking donor pool. (See reftel.)

Critics have also raised concerns about timing, and how (or whether) to address regional issues (such as the responsibility of the wartime regimes in Belgrade and Zagreb).

¶9. (SBU) It is worth noting that in the absence of a truth commission, many victims have told their stories already over the past ten years, some many times. One local NGO, the Center for Research and Documentation, has meticulously documented over 90,000 incidents of war crimes through a combination of victim/witness statements, archival media coverage and government documents. Many victims have also given statements to investigators from the International Criminal Tribunal for the Former Yugoslavia (ICTY) and local courts.

COMMENT: GIVE THE PEOPLE WHAT THEY WANT

¶10. (SBU) Although proponents of the truth commission argue that it will provide a catharsis that will help Bosnians move forward, it is not clear that a commission is what people really want. Civilian war victims, family members of missing persons and other victims of the genocidal policies carried out during the 1992-1995 conflict are well aware that the number of war crimes cases that will ultimately be tried will result in punishment for only a small percentage of the total number of perpetrators, and that very few victims will ever testify in court. Nevertheless, war victims continue to press hard for justice via the judicial process; seeing even a few high-profile perpetrators punished (particularly via local war crimes trials) will bring some sense of closure to many in Bosnia. The public's desire to move ahead with war crimes trials is even stronger since Milosevic's death forestalled a verdict in his case.

¶11. (SBU) Our contacts have emphasized action over investigation. People would like to see perpetrators fired from their government jobs (especially in the police, military and municipal governments) and replaced with minority returnees. They also want to start receiving the monetary benefits for families of the missing and civilian war victims to which they are theoretically entitled. Finally, they want to see an end to payments by the RS government to families of war criminals (and in some cases, to war criminals themselves). Most returnees, especially minority returnees, struggle to survive in very difficult economic situations. Knowing that relatives of war criminals are getting benefits that are far bigger than the average pension or disability benefit is a slap in the face to the

SARAJEVO 00000738 003 OF 003

survivors of genocide and ethnic cleansing. End comment.

¶12. (SBU) Action request: We bring this to the attention of the Department because this issue will not go away. Indeed, it has already taken on a life of its own through local NGOs as well as the OSCE and UNDP. We are aware that "truth and reconciliation" is not a new concept in the world of post-conflict societies. South Africa is the clearest example. Our concerns about this idea, however, rest on how this sort of process could progress in parallel with the ongoing criminal process at the ICTY--and what kind of role the USG would be willing to take in the future. It will not be a surprise if, when the issue hits the shoals of the Bosnian Parliament, US assistance is requested to do the heavy lifting. Post requests Department's guidance on the USG position.  
MCELHANEY